

SB-1233, As Passed House, December 13, 2018
SB-1233, As Passed Senate, December 6, 2018

**SUBSTITUTE FOR
SENATE BILL NO. 1233**

A bill to amend 2016 PA 436, entitled
"Unmanned aircraft systems act,"
(MCL 259.301 to 259.331) by adding section 7.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 7. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6), A**
2 **DEPARTMENT, AGENCY, BOARD, OR COMMISSION OF THIS STATE OR A PERSON**
3 **UNDER A CONTRACT WITH OR ACTING AT THE DIRECTION OR ON BEHALF OF A**
4 **DEPARTMENT, AGENCY, BOARD, OR COMMISSION OF THIS STATE SHALL NOT**
5 **USE AN UNMANNED AIRCRAFT SYSTEM TO SURVEIL, INSPECT, OR GATHER**
6 **EVIDENCE OR COLLECT INFORMATION ABOUT A FACILITY THAT IS SUBJECT TO**
7 **A PERMIT, LICENSE, OR ORDER ISSUED BY OR A DECREE OR OTHER**
8 **REQUIREMENT GOVERNED BY THAT DEPARTMENT, AGENCY, BOARD, OR**
9 **COMMISSION UNLESS ANY OF THE FOLLOWING APPLY:**

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1 (A) THE OWNER OR OPERATOR OF THE FACILITY HAS GIVEN EXPRESS
2 CONSENT FOR THE USE OF AN UNMANNED AIRCRAFT SYSTEM FOR THE PURPOSES
3 DESCRIBED IN THIS SUBSECTION IN A PARTICULAR INSTANCE.

4 (B) THE DEPARTMENT, AGENCY, BOARD, COMMISSION, OR PERSON IS
5 ACTING UNDER A VALID SEARCH WARRANT AND THE USE OF THE UNMANNED
6 AIRCRAFT SYSTEM IS STRICTLY LIMITED TO THE SUBJECT MATTER AND SCOPE
7 OF THAT WARRANT.

8 (C) THE DEPARTMENT, AGENCY, BOARD, OR COMMISSION HAS REASON TO
9 BELIEVE THAT THERE MAY BE AN IMMINENT THREAT TO PUBLIC HEALTH,
10 SAFETY, PROPERTY, OR THE NATURAL RESOURCES OF THE STATE FROM THE
11 FACILITY AND THE USE OF THE UNMANNED AIRCRAFT SYSTEM IS STRICTLY
12 LIMITED TO THE INVESTIGATION OF THAT IMMINENT THREAT.

13 (D) THE DEPARTMENT, AGENCY, BOARD, COMMISSION, OR PERSON IS
14 INSPECTING A ROADWAY, HIGHWAY, AIRPORT, AIRPORT APPROACH CORRIDOR,
15 PORT, OR SIMILAR INFRASTRUCTURE.

16 (2) AN UNMANNED AIRCRAFT SYSTEM THAT IS USED AS DESCRIBED IN
17 SUBSECTION (1) MUST BE CLEARLY MARKED AS A STATE-OWNED OR OPERATED
18 AIRCRAFT UNLESS IT IS AN UNMANNED AIRCRAFT SYSTEM OPERATED IN
19 ACCORDANCE WITH SUBSECTION (3).

20 (3) FOR ANY USE THAT IS GOVERNED BY SUBSECTION (1) (A), [BOTH OF THE
FOLLOWING APPLY:

21 (A) SUBJECT TO SUBDIVISION (B),] THE
22 CONSENT OF THE OWNER OR OPERATOR MAY BE CONDITIONED ON THE USE OF
23 AN UNMANNED AIRCRAFT SYSTEM THAT IS OWNED AND OPERATED BY THAT
24 OWNER OR OPERATOR UNDER, AND IN COMPLIANCE WITH, FEDERAL AVIATION
25 ADMINISTRATION REGULATIONS, AUTHORIZATIONS, OR EXEMPTIONS. THE
26 DEPARTMENT, AGENCY, BOARD, COMMISSION, OR PERSON UNDER CONTRACT
27 WITH OR ACTING AT THE DIRECTION OR ON BEHALF OF THE DEPARTMENT,
AGENCY, BOARD, OR COMMISSION SHALL ALLOW, UNDER ITS DIRECT

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1 SUPERVISION, THE USE OF THE UNMANNED AIRCRAFT SYSTEM BY THE OWNER
2 OR OPERATOR TO CONDUCT THE SURVEILLANCE, INSPECTION, EVIDENCE
3 GATHERING, OR INFORMATION COLLECTING UNDER THIS SECTION, IF DOING
4 SO WILL GATHER INFORMATION OF A QUALITY AND NATURE SUFFICIENT FOR
5 THE INTENDED PURPOSE OF THE SURVEILLANCE, INSPECTION, EVIDENCE
6 GATHERING, OR INFORMATION COLLECTION.

[(B) IF THE OWNER OR OPERATOR PROVIDES CONSENT ON THE CONDITION DESCRIBED
IN SUBDIVISION (A), OR IF THE OWNER OR OPERATOR WITHHOLDS CONSENT, THE
OWNER OR OPERATOR SHALL PROVIDE TO THE DEPARTMENT, AGENCY, BOARD, OR
COMMISSION A STATEMENT, IN WRITING, THAT INDICATES THE HEALTH AND SAFETY
REASONS FOR PROVIDING CONSENT ON THE CONDITION DESCRIBED IN SUBDIVISION
(A) OR WITHHOLDING CONSENT.]

7 (4) ANY SURVEILLANCE, INSPECTION, EVIDENCE GATHERING, OR
8 INFORMATION COLLECTING CONDUCTED UNDER SUBSECTION (1) (C) SHALL BE
9 UNDER THE DIRECT SUPERVISION OF THE DEPARTMENT, AGENCY, BOARD, OR
10 COMMISSION.

11 (5) ANY DATA, INCLUDING VIDEOS, PHOTOGRAPHIC IMAGES, OR
12 GEOSPATIAL DATA, COLLECTED BY THE OPERATION OF AN UNMANNED AIRCRAFT
13 SYSTEM CONCERNING A FACILITY DESCRIBED IN SUBSECTION (1) SHALL BE
14 FURNISHED PROMPTLY TO THE FACILITY'S OWNER OR OPERATOR UPON REQUEST
15 AND SHALL BE REBUTTABLY PRESUMED TO BE NOT SUBJECT TO DISCLOSURE
16 UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO
17 15.246.

18 (6) THIS SECTION DOES NOT APPLY TO A LAW ENFORCEMENT AGENCY
19 OPERATING AN UNMANNED AIRCRAFT SYSTEM AS PART OF A LAW ENFORCEMENT
20 INVESTIGATION.

21 Enacting section 1. This amendatory act takes effect 90 days
22 after the date it is enacted into law.